

FIRST REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 162

99TH GENERAL ASSEMBLY

0173H.02P

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 229.150, RSMo, and to enact in lieu thereof one new section relating to drainage ditches, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 229.150, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 229.150, to read as follows:

229.150. 1. All driveways or crossings over ditches connecting highways with the private property shall be made under the supervision of the **road** overseer or commissioners of the road districts.

2. ~~[Any]~~ **No** person or persons ~~[who]~~ shall willfully or knowingly obstruct or damage any public road by obstructing the side or cross drainage or ditches thereof, or by turning water upon such road or right-of-way, or by throwing or depositing brush, trees, stumps, logs, or any refuse or debris whatsoever, in said road, or on the sides or in the ditches thereof, or by fencing across or upon the right-of-way of the same, or by planting any hedge or erecting any advertising sign within the lines established for such road, or by changing the location thereof, or shall obstruct **or damage** said road, highway, or drains in any other manner whatsoever~~[- shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined not less than five dollars nor more than two hundred dollars, or by imprisonment in the county jail for not exceeding six months, or by both such fine and imprisonment].~~

3. The road overseer of any district, or county highway engineer, who finds any road **damaged or** obstructed as above specified, ~~[shall]~~ **may** notify the ~~[person]~~ **landowner** violating the provisions of this section, ~~[verbally or]~~ in writing, to remove such obstruction, **to repair such damage in a manner approved by the road overseer or county highway engineer making**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 **the request, or to pay the reasonable cost of such removal or repair.** [~~Within ten days after~~
19 ~~being notified, he shall pay the sum of five dollars for each and every day after the tenth day if~~
20 ~~such obstruction is maintained or permitted to remain; such fine to be recovered by suit brought~~
21 ~~by the road overseer, in the name of the road district, in any court of competent jurisdiction]~~ **If**
22 **the landowner fails to remove any obstruction, make any repairs, or remit any payment**
23 **of costs as requested within thirty days, the road overseer or county highway engineer may**
24 **petition the associate circuit court of the county in which the land is located to authorize**
25 **the overseer or engineer or an agent or employee thereof, to enter the landowner's land to**
26 **remove the obstruction or to repair the damage, in order to restore the roadway or**
27 **drainage ditch to a condition substantially the same as the adjacent roadways and drainage**
28 **ditches. Such entry on the landowner's lands shall be limited to the extent necessary to**
29 **repair the roadway or drainage ditch, and shall constitute no cause of action for trespass.**
30 **The petition shall include an estimate of the costs.**

31 **4. If the court enters a judgment granting the petition and authorizing the actions**
32 **requested therein, the judgment shall include an award for the reasonable cost of removal**
33 **or repair, court costs, and reasonable attorney's fees, and shall become a lien on such**
34 **lands, and shall be collected as state and county taxes are collected by law.**

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